

MICHAEL J. RILEY  
PRESIDENT

**Statement of Michael J. Riley  
President  
Motor Transport Association of Connecticut  
Before  
The Joint Committee on Labor and Public Employees  
March 11, 2014**

**Re: A Proposed Amendment to Senate Bill No. 243 AN ACT  
CONCERNING ELIGIBILITY FOR UNEMPLOYMENT  
BENEFITS**

I am Michael J. Riley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents over 800 companies that operate commercial motor vehicles in and through the state of Connecticut. Our membership includes freight haulers, movers of household goods, construction companies, distributors, tank truck operators and hundreds of companies that use trucks in their business and firms that provide goods and services to truck owners.

**MTAC supports an amendment to this bill.**

We wrote earlier in this session requesting that the Labor Committee raise the only bill which Motor Transport Association of Connecticut is requesting of any committee this session. Because of the snow storms this year, I was not able to meet with the Chairpersons of this committee before the Raised Committee Deadline passed. Therefore, while we would have preferred a stand alone bill, we come to the committee to request that our concept be incorporated into a bill being heard today.

Our proposal, which covers a rare circumstance, is of great importance to those employers who must let a professional truck driver go, because that driver is convicted of driving under the influence in a passenger motor vehicle.



Under current law any holder of a commercial drivers license (CDL) convicted of driving under the influence of alcohol or drugs, **while operating a commercial motor vehicle**, loses his CDL. Under CGS Sec.31-236(a)14, inasmuch as the precipitating event occurred "in the course of employment", the claimant is disqualified from receiving unemployment compensation benefits.

**Under Federal Law 49 CFR Part 383.51, if a person loses his passenger car license because he has been convicted of driving his automobile under the influence of alcohol or drugs, he also loses his CDL. Even though the person is unable to perform the work for which he was hired, inasmuch as the precipitating event was NOT "in the course of employment", the person is eligible to receive unemployment benefits.**

The problem is that the employer's experience rate is adversely affected by the fact that the employer did what the law required. His UC Assessment goes up. The employer is, in effect, being punished for doing what the law requires.

A good safe professional truck driver is a valuable employee. This is especially true of those drivers who haul hazardous materials like petroleum products. They require special skills and must pass separate requirements for endorsements on their license. They are hard to find. They are hard to train. They are hard to replace. And, no company wants to lose a good one.

However, if that driver is convicted of DUI in a passenger car, he cannot drive a truck for at least a year. In this case, the employer is not firing the driver, he isn't laying him off for lack of work and he is not disciplining him. The company is following the letter of the law and letting the driver go. It's not right that that company's employment record should be adversely affected.

We respectfully request that the Labor Committee pass a bill, in this session that would not charge back an employer for the benefits awarded to a CDL driver, who was disqualified because of a conviction of a DUI in a car.

We believe the following is language which would do the job:

**CGS Sec. 31-225a.(c)(1)(J)**



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**(NEW) NO BASE PERIOD EMPLOYER'S ACCOUNT SHALL BE CHARGED WITH RESPECT TO BENEFITS PAID TO A CLAIMANT WHO HAS BEEN DISCHARGED FROM EMPLOYMENT DUE TO THE SUSPENSION OF SUCH CLAIMANT'S OPERATOR'S LICENSE PURSUANT TO SEC. 14-227b OF THE CONNECTICUT GENERAL STATUTES AND SUCH CLAIMANT IS DISQUALIFIED FROM OPERATING A COMMERCIAL MOTOR VEHICLE PURSUANT TO 49-CFR Part 383.**

Thank you.

